



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAY 12 2014

Ref: 8EPR-N

Mr. Russell B. Riebe, District Ranger
USDA Forest Service
Beaverhead-Deerlodge National Forest
420 Barrett Street
Dillon, MT 59725

Re: Draft Environmental Impact Statement
for the North and West Big Hole Allotment
Management Plans (NWBH AMP) Project
CEQ #20140094

Dear Mr. Riebe:

The U.S. Environmental Protection Agency Region 8 has reviewed the Draft Environmental Impact Statement (EIS) for the North and West Big Hole Allotment Management Plans project prepared by the U.S. Department of Agriculture Forest Service (USFS). Our review was conducted in accordance with the EPA's responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.

Project Description and Background

With this project, the USFS is proposing to update eleven domestic livestock grazing allotment management plans and permits to comply with direction in the 2009 Beaverhead-Deerlodge National Forest Land and Resource Management Plan (Forest Plan). The allotments include Seymour, Fishtrap, Mudd Creek, Pintler Creek, Mussingbrod Creek, Dry Creek, Twin Lakes, Monument, Pioneer, and Saginaw.

Under the Proposed Action Alternative, new term domestic livestock grazing permits of up to 10 years would be issued for all eleven allotments. Some allotments will have a change in the Head Months, livestock numbers, Season of Use, infrastructure, and/or type of grazing system. All of the allotments would implement site-specific Allowable Use Levels and all will have annual compliance and long-term rangeland monitoring. Seymour Allotment also will have monitoring as outlined in the 2011 Cooperative Livestock Grazing Management Agreement with Montana Fish, Wildlife, and Parks for the Mount Haggin Wildlife Management Area. The 2012 Agreement for Coordination Management of Rangeland with the Bureau of Land Management also will continue to be implemented.

Alternative 4 is similar to the Proposed Action Alternative. In addition to the actions proposed in the Proposed Action Alternative, this alternative will include avoidance periods, removal of cattle for 10 years on some pastures, and additional infrastructure (fencing, water tanks, piping, hardened crossings, etc.).

Comments and Recommendations

The EPA provided scoping comments dated September 11, 2012, and also commented on the draft and final versions of the Beaverhead-Deerlodge Forest Plan. We appreciate that the USFS responded to our comments and incorporated many of our recommendations. The maps, figures, graphs and tables are helpful in understanding specific features so that various alternatives and potential environmental impacts can be clearly evaluated.

Our comments on the Forest Plan stated that we were pleased that the plan provided direction to ensure that management actions would avoid further degradation of impaired waters and promote water quality restoration. It also stated that we were somewhat disappointed that more aggressive watershed restoration efforts were not proposed. We appreciate that the Proposed Action Alternative will align the allotments with the 2009 Forest Plan which includes an aquatic resources goal of ensuring consistency with long-term water quality restoration plans and Total Maximum Daily Loads (TMDLs). We continue to have concerns about impaired waters located within or downstream of the project area. As a result, our comments and recommendations focus on evaluating consistency with long-term water quality restoration plans and TMDLs, applying additional design measures and mitigation for 303(d) listed streams, and water quality monitoring and assessment.

1) Long-Term Water Quality Restoration Plans and Total Maximum Daily Loads

We appreciate the inclusion of language in Chapter 3 of the Draft EIS regarding Clean Water Act Section 303(d) listed streams. The Draft EIS identifies thirteen 303(d) listed streams in, or downstream of, the project area for which grazing is a probable source of impairment. The Draft EIS does not describe whether alternatives would be consistent with long-term water quality restoration plans and TMDLs for these streams. The EPA's policy is that management activities on National Forests do not result in further degradation of 303(d) listed waters and that they are consistent with long-term water quality restoration plans and TMDLs prepared by the State of Montana and the EPA to facilitate restoration. We recommend that the USFS evaluate whether the Preferred Alternative would be consistent with long-term water quality restoration plans and TMDLs and summarize this information in the Final EIS.

2) Additional Design Measures and Mitigation for 303(d) Listed Streams

The Draft EIS indicates that increased sediment from grazing is a cause of many of the impairments in the project area. Consistent with our comments on the Beaverhead-Deerlodge Forest Plan and our scoping comments, we recommend that the USFS apply all reasonable soil, land and water conservation practices to avoid or minimize pollution from grazing, especially where grazing is a probable source of impairment. Alternative 4 includes additional design measures and mitigation beyond those included in the proposed action including avoidance periods, cattle removal for 10 years on some pastures and additional infrastructure. The Draft EIS states that these design features and mitigations would allow the attainment of the proper functioning condition more quickly than the proposed action. For this reason, we recommend that the USFS implement the Alternative 4 design features and mitigation in the allotments/pastures where there are 303(d) listed streams within or directly downstream.

3) Water Quality Monitoring and Assessment

It appears that the USFS is using proper functioning condition as the only means to assess whether all streams, including those that are included on the 303(d) list, are improving. We are concerned that considering proper functioning condition alone may not be sufficient to ensure 303(d) listed streams are restored on a timely basis. For example, the Draft EIS states that Miner Creek was historically found to be functioning and that the 2008 survey results show that is still the case. As a result, the Draft EIS concludes that current grazing practices appear to be creating conditions that would allow the attainment of properly functioning condition. Considering that Miner Creek continues to be a 303(d) listed stream, it is unclear whether properly functioning condition alone is adequate for evaluating the impact of grazing activities on surface waters and ensuring that management actions will continue to be consistent with long-term water quality restoration plans and TMDLs. Our scoping comments requested that the Draft EIS describe aquatic/water quality effectiveness monitoring activities that have been, are or will be, carried out to evaluate the proposed project's effects on 303(d) listed streams. We recommend that the Final EIS provide further explanation of how proper functioning condition is an adequate measure for ensuring consistency with these requirements. If necessary to provide a more comprehensive analysis of the project's effects on streams, we recommend that the USFS also consider data and information from the State of Montana and local watershed restoration organizations when making management decisions.

The EPA's Rating

Based on our review, the EPA is rating the Proposed Action Alternative in the Draft EIS as "Environmental Concerns – Insufficient Information" (EC-2). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. The "2" rating means that the Draft EIS does not contain sufficient information for the EPA to fully assess environmental impacts. A description of the EPA's rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We appreciate the opportunity to participate in the review of this project, and we are committed to working with you in the coming months. If we may provide further explanation of our comments during this stage of your planning process, please contact me at 303-312-6704, or your staff may contact Vanessa Hinkle, Lead NEPA Reviewer at 303-312-6561.

Sincerely,



for

Philip S. Strobel
Acting Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

